

**Beacon Falls Inland Wetlands & Watercourses Commission  
10 Maple Avenue  
Beacon Falls, CT 06403**



**BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION  
Monthly Meeting  
March 9, 2016  
MINUTES  
(Subject to Revision)**

**1. Call to Order / Pledge of Allegiance**

Chairman John Smith called the meeting to order at 7:33 P.M.

Members Present: John Smith, Stephen Knapik, Arlene Brumer, Bill Giglio, Jamie Lillis, Michael Opuszynski, and Walter Opuszynski

Others Present: Dave Keating

The meeting was held in the Selectmen's Conference Room since Park & Rec was holding a special meeting in the Assembly Room and their meeting was not completed by 7:30 PM.

**2. Comments from the Public**

J. Smith asked three times if there were any comments by the public and there were none at this time.

**A. Public Petitions**

There were no Public Petitions at tonight's meeting.

**3. New Applications**

There were no new applications presented at tonight's meeting.

#### **4. Approval of Minutes**

Motion to accept the minutes from the November 2015 meeting as submitted: **Knapik/W. Opuszynski**; *no discussion*; 6 ayes and 1 abstention from A. Brumer since she was not at the last meeting.

#### **5. Correspondence**

Copies of the newsletter "The Habitat" was distributed to the members.

#### **6. Show Cause Hearings & Considerations of Public Hearings**

##### **1. Show Cause Hearing**

##### **a. Cease & Desist Order Regarding 93 South Main Street – Mario Trepca**

##### **2. Show Cause Hearing**

##### **a. Cease & Desist Order Regarding 113-119 South Main Street – Mario Trepca**

D. Keating indicated that there is no new information and would like to request to continue the show cause hearing for both addresses on South Main Street owned by M. Trepca until next month.

S. Knapik noted that a visit should be made to M. Trepca and to the building at 93 South Main Street since there are curtains in the windows and appears that there is activity in the building. M. Opuszynski also noted that the Commission should put M. Trepca on notice and informing him of fines. J. Smith indicated that no formal announcement needed to be made to the Building Inspector since a building permit was not needed. B. Giglio noted that the tenant should be left alone because the issue with the property is with M. Trepca. The Commission agreed but mentioned that the tenant will eventually feel the impact of the situation since no one should be in the building due to the cease & desist order in effect.

M. Opuszynski asked about any safety concerns associated with the building. J. Smith spoke with J. Tucciarone about this. J. Tucciarone indicated that he will visit the site in one month and do an inspection on the embankment and wall. J. Smith noted that everything circled back to M. Trepca not having the compaction test done when this Commission requested that one was done in order to release the cease & desist order. M. Opuszynski does not want the town paying for the inspection and J. Smith agrees with this. The Commission wants it noted that M. Trepca should be the person who pays for any and all expenses that are incurred by J. Tucciarone for inspecting the property at 93 South Main Street and the property at 113-119 South Main Street.

### **3. Show Cause Hearing**

#### **a. 27 Railroad Avenue**

D. Keating requested to have someone go next door to the Assembly Room to see if anyone from 27 Railroad Avenue was looking for this meeting. J. Smith went next door and reported back that no one was in the Assembly Room for the Show Cause Hearing for Inland Wetlands.

D. Keating, the Wetland Enforcement Officer, indicated that filling and regrading, and dumping of debris material has taken place on the property at 27 Railroad Avenue in Beacon Falls, CT. D. Keating stopped by the property and asked to speak to Lucas Drury, who was the person residing at the property and who is responsible for the activity based on information that D. Keating received. The visit had taken place in January 2016 and D. Keating left his contact information and did not receive a response. A letter dated January 20, 2016 was sent to Lucas Drury indicating that there was a violation of the Inland Wetlands and Watercourses Regulations for the town of Beacon Falls in that material had been dumped or pushed within 100 feet of the Naugatuck River and was in the jurisdiction of the Wetland Commission. The letter requested that this violation was corrected as quickly as possible. Again, no response was received by L. Drury either verbally or in writing. No action has been taken since then to clean up the debris that was pushed or dumped adjacent to the river.

D. Keating sent L. Drury a Cease & Desist Order regarding site work at 27 Railroad Avenue on February 29, 2016 via Certified Mail Return Receipt as well as regular mail. D. Keating received the return receipt from the Certified Mail signed by someone at the household. A letter was also sent to the property owner, Katherine Carleton. A Cease & Desist Order to K. Carleton was also sent via Certified Mail Return Receipt and regular mail. There has been no response by K. Carleton as well.

D. Keating indicated that pictures had been taken in January 2016 and were shown to the Commission. The pictures show the debris to include wood, plastic, metal was pushed adjacent to the river. The pictures also show that earth materials – fill, rock, soil – was pushed within 100 feet of the Naugatuck River. All of this requires a prior permits and approval from the Inland Wetland Commission and no application was ever submitted. D. Keating indicated that no one contacted him regarding any type of administrative request or permit. D. Keating also indicated that no one has contacted him regarding the Cease & Desist Orders that were issued.

D. Keating mentioned that he did check the site today. From the east side of the Naugatuck River and looking west across the river and to the backyard of 27 Railroad Avenue, there has been no change since the time of the pictures taken in January 2016 and the site is still in violation of Inland Wetlands and Watercourses Regulations.

D. Keating suggested that the town and Commission's next step may be to pursue legal action, going to court and having a judge declare the situation in violation of the regulations and to seek a fine and penalty up to \$1,000 per day and correction of the violation.

They could also pursue the town ordinance that allows for citations to be issued by Wetland Enforcement Officer. That would be parallel and separate from the court action and D. Keating would suggest the Commission in pursuing both actions.

J. Smith noted the heavy rains from the previous week and the high water in the river, and there was a piece of plywood teetering on going down the river. J. Smith believes that if it rained another day then the debris would probably start going down the river. B. Giglio noted his question of the property owner being under financial distress and may not solve the situation. D. Keating indicated that the judge could use the financial penalty a way of making the property owner clean up the violation quicker. The Commission could ask the judge to include that the financial penalty be waived if the violation is cleaned up and the site is no longer in violation.

W. Opuszynski noted the danger to the river if there is high water from rains. He asked if the town could request a contractor or the town itself to go onto the property to clean up the violation based on the hazard to the river. W. Opuszynski asked if the town has a recourse to go onto private property in situations like this. J. Smith indicated that the Street Department may not have the manpower to help in this situation and an order from a judge would probably be needed since it is private property. D. Keating mentioned that he asked if anyone has contacted Town Hall asking for help and no one has received any contact from the resident or property owner.

M. Opuszynski asked for the procedure in pursuing the court order. D. Keating indicated that the Commission would be working with the Town Attorney. D. Keating would need to complete an affidavit, the Commission would provide any letters that were sent to the property owner, and the Commission would provide results that indicate the property is in violation. W. Opuszynski asked if the debris is in the flood plain and D. Keating indicated that much of the material is in the flood plain. It would also be under the Planning & Zoning jurisdiction. D. Keating spoke to the Chairman of Planning & Zoning and they will let us handle the situation under the Inland Wetlands violation perspective and then they would get involved if needed. D. Keating also spoke with a representative of DEEP and the work is also under their jurisdiction. They will allow the local authorities to resolve the situation and will help if needed.

J. Smith asked if the Commission need to contact the Selectmen that they will be pursuing legal action for the violation. J. Smith will attend the Board of Selectmen meeting on Monday, March 14, 2016 and inform the Board of tonight's discussions.

The Commission reviewed and discussed the Ordinance Establishing Citation Procedures and Fines for Violations of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls dated June 2013.

At 8:05 PM, the Park & Rec meeting adjourned and J. Smith checked the Assembly Room again to see if anyone from 27 Railroad Avenue was present and looking for the Show Cause Hearing for Inland Wetlands. There was no one from the property at this time.

After a brief discussion on the choices of the Commission's next step, J. Smith asked for a motion regarding the Show Cause Hearing for 27 Railroad Avenue

Motion to close the Show Cause Hearing for 27 Railroad Avenue at 8:09 PM and to have the Commission shall consider the facts presented at tonight's hearing. Within 10 days of the completion of the Show Cause Hearing, the property owner will be notified by Certified Mail that the original Cease & Desist Order remains in effect and the site is still in violation and that the notification is to include that the Commission will be pursuing legal action: M. Opuszynski/Knapik; no discussion; all ayes.

J. Smith asked the Commission for their opinion on the citations that can be levied on the parties involved in the violations at 27 Railroad Avenue. M. Opuszynski noted that since this the first infraction and the first citation to the parties, the amount of the fine would be \$125.00. A letter should be provided with the information as to why they are receiving the fine, the process of paying the fines if not contested, and the process if they want to contest the citation. W. Opuszynski noted that the Commission should notify the Selectmen of the situation and the Commission's intent of fining the parties involved with the property at 27 Railroad Avenue. M. Opuszynski noted that the parties have a right to be seen by a Hearing Officer if they would like to appeal the citation. The hearing would take place 15 days from the date of the mailing of the notice.

After a brief discussion on the issuance of citations, J. Smith indicated that he will attend the Board of Selectmen meeting on Monday, March 14, 2016. J. Smith asked for the clerk to provide a copy of the Ordinance Establishing Citation Procedures and Fines for Violations of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls.

## **7. Applications – Old Business**

S. Knapik asked about when the drainage on Burton Road was going to begin again and J. Smith indicated that they must be getting ready to do this since they were remarking the road.

M. Opuszynski asked about the progress at Jenny Lane Two, Oxford. J. Smith will ask J. Galligan for an update for the next meeting.

Monthly reports were received and distributed from EG Homes, Mark Tice, and Griffin Brothers. Reports from Nafis & Young were also distributed to the members. Pond Springs Village emailed the monthly report to the clerk who forwarded the email to the members prior to tonight's meeting.

W. Opuszynski, M. Opuszynski, and A. Brumer are off the Board at this time due to the discussion of Pond Springs Village. D. Keating indicated that he stopped by the site this morning and there was no activity today. The email included pictures of the site and D. Keating noted that the pictures appear to have been taken approximately three weeks ago. D. Keating noted that he would give a failing grade to the site. J. Smith mentioned that it should be noted to Pond Springs Village that if pictures are supplied in their monthly report, the pictures should be recent – the day of or the day before the report is sent to the Commission.

J. Smith asked for a motion for a Cease & Correct for Pond Springs Village. The letter from Nafis & Young outlined the requirements that needed to be met.

Motion to have Dave Keating issue a Notice of Violations to Pond Springs Village, and if it is not completed within the 10 days of the next meeting, then a Cease & Correct will be issued 10 days prior to the next scheduled meeting: **Knapik/Giglio**; no discussion; all ayes.

W. Opuszynski, M. Opuszynski, and A. Brumer are back on the Board at this time.

In regarding to EG Homes, J. Smith had spoken to Jim Galligan and J. Galligan was satisfied with the work that was done at Chatfield Farms.

W. Opuszynski noted in regards to the application for RSJ Development, a new silt fencing was put up and D. Keating also noted that there is activity at the site and will get in touch with the owners to have them submit monthly reports.

J. Smith noted that he heard that the original owner for the Avenue D application may be starting back up at the property.

J. Smith noted that in regards to the property owned by Charlie Edwards on Pent Road, a silt fencing was put in as well as a tracking pad. J. Smith asked D. Keating to stop by the site and take a look at what was done by C. Edwards. D. Keating indicated that he did stop by today and the tracking pad is not long enough as well as only using small stones. W. Opuszynski asked if an application is needed and J. Smith noted that the Commission should know what is the plan for the property.

## **8. Old Business**

### **a. 27 Railroad Avenue**

The discussion for 27 Railroad Avenue was held under the Show Cause Hearing.

## **9. New Business**

There was no new business discussed at tonight's meeting.

## **10. Budget**

### **1. Report of Accounts**

The Board reviewed the Report of Accounts.

## 2. Payment of Bills

- a. Invoice submitted by the Commission's clerk for the February 2016 meeting -**\$68.75**
- b. Invoice submitted by Dave Keating –**\$278.00**

Motion to pay the invoice from the Commission's clerk as submitted for tonight's meeting for a total of \$68.75 and the invoice from Dave Keating as submitted for tonight's meeting for a total of \$278.00: M. Opuszynski/Knapik; no discussion; all ayes.

## 3. State of Connecticut Fees

D. Keating indicated that the fees are all up to date.

## 11. Miscellaneous

There were no Miscellaneous items discussed at tonight's meeting.

## 12. Petitions from Commissioners

### 1. Conservation Commission report from Michael Opuszynski

M. Opuszynski noted that he missed the last meeting since he was traveling for work. He indicated that Lori Paradis Brant resigned from the position of Chairman.

### 2. Executive Session to Discuss Pending Litigation (if required)

There was no Executive Session at tonight's meeting.

## 13. Adjournment

With no further business to discuss at tonight's meeting, J. Smith asked for a motion to adjourn.

Motion to adjourn meeting at 9:01 P.M.: Knapik/W. Opuszynski; no discussion; all ayes.

Respectfully submitted,

Marla Scirpo  
Clerk, Inland Wetlands & Watercourses Commission